

**MOORE COUNTY PLANNING BOARD
REGULAR MEETING
THURSDAY, AUGUST 4 2016, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of revised Minutes of June 2, 2016
- C. Approval of Minutes of July 7, 2016
- D. Consideration of Abstentions

III. PUBLIC HEARING

1. Williams Sand and Clay, LLC is requesting a Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of approximately 25 acres per phase) of an overall approximate 660 acre parcel (ParID 00013401) located north of and adjacent to NC Hwy 211 and east of and adjacent to Samarcand Rd, owned by Arthur R & Sons Williams, as identified in Moore County tax records.

IV. UDO DISCUSSION

V. OTHER BOARD MATTERS

VI. PLANNING DEPARTMENT REPORTS

VII. BOARD COMMENT PERIOD

VII. UPCOMING EVENTS

- Tuesday, August 2, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Tuesday, August 16, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Wednesday, August 31, 2016 2:00 PM Moore County Transportation Committee Meeting
- **Thursday, September 1, 2016 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, September 6, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.

VIII ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is given to the County.
Please see attached procedures for the Public Comment Period and public comment during Public Hearing*

PUBLIC COMMENT PROCEDURES MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 1. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 1. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 2. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 3. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 4. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 5. Any applause will be held until the end of the Public Comment Period.*
- 6. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 7. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 8. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY JUNE 2, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Rich Smith (Chair), Scott McLeod, Bobby Hyman, Joseph Garrison, David Lambert, Eddie Nobles

Board Members Absent: Aaron McNeill (Vice Chairman), Gene Horne

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Lydia Cleveland, Administrative and Transportation
Program Manager

CALL TO ORDER

Chairman Rich Smith called the meeting to order.

INVOCATION

Board Member Scott McLeod offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Eddie Nobles led in the reciting of the Pledge of Allegiance

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of May 5, 2016
- C. Consideration of Abstentions

Board Member McLeod motioned to approve the Consent Agenda and the motion was seconded by Board Member Nobles. The motion passed unanimously (6-0).

PUBLIC HEARING(S)

Chairman Rich Smith introduced the public hearing as the following.

HCE Moore II, LLC is requesting a Conditional Use Permit to construct a commercial Solar Collector Facility on approximately 27.5 acres of an overall approximately 127 acre parcel (ParID 00005347) located at 415 Stage Road, owned by William Richard Pressley as identified in Moore County tax records..

Planning and Transportation Director presented the following on the behalf of Theresa Thompson, Moore County Senior Planner. "This is a request to locate a solar collector facility approximately 120 feet to the south of Stage Road. The property is located approximately 3,000 feet to the southeast of the town limits of Carthage. Planning staff contacted the Town of Carthage due to close proximity of the property to the town's extra territorial jurisdiction. The Town Clerk, Karen O'Hara stated the town has no concerns regarding this request. The current use of the property is agriculture crop land. The storage buildings as shown on the pictures included in your staff report will be demolished by the applicant as demonstrated on the site plan. Adjacent land uses include single family homes and agricultural crop lands. The project area will comprise of approximately 27.5 acres of the 127 acre lot. The site plan meets the UDO screening requirements by utilizing type 3 screening to the side and rear of the property adjacent to residentially zoned property. In addition to the Unified Development Ordinance minimum screening requirements the applicant will preserve the 100 foot vegetative buffer along the front property line. The applicant is imposing this standard as an additional condition for approval as listed in the staff report. The proposed site plan meets all development ordinance requirements. In addition the applicant has agreed that all specific use standards will be met as specified in the Unified Development Ordinance which will be inspected by county staff before a Certificate of Occupancy is issued. Tonight's request is a Quasi-Judicial case, which requires 4 findings of fact to be met as listed in the staff report. Any recommendation of denial would need to include which finding is not met and how it is not met. Staff recommends the additional conditions as agreed upon by the applicant and listed in the staff report of preserving the 100 foot vegetative buffer along the front property line and removing the 3 existing structures on the property prior to the Certificate of Occupancy issuance. There may need to be minor adjustments made to the site plan therefore staff also recommends including an additional condition to the motion if approved as stated in the staff report that reads should the zoning administrator, building inspector, environmental health, NC DOT, or the Fire Marshal identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. The presentation was followed by no discussion from the board.

Harley James Morrison II from 727 West Hargett Street Raleigh, NC 27510 spoke on behalf of the applicant, HCE Moore II, LLC who is applying for a conditional use permit - solar collector facility to be located at 415 Stage Road in Carthage, NC stated the following as part of his presentation . The property is currently zoned RA (Rural Agriculture), permitted uses within this zone or district include solar collector facilities under a conditional use permit with standards as set out in ordinances. To address the

finding that the use meets all required conditions let's take a look at the site plan. In terms of location, the site is located within three miles of the substation on Vass Carthage Road. Setbacks are met or exceeded with 50 foot setbacks and adjoining residential properties, 65 feet from the rights-of-way and centrally located inverters that exceed 150 feet to properties boundaries. In terms of glare, we have addressed that through our layout and supplemental and existing screening both for approved solar components. All components are UL listed and will be installed with accordance with applicable building and electrical codes. The height of our system will not exceed 25 feet. Look to the left of the site plan the top of the solar panels will be about 8 feet. We will be connecting to Duke Power lines that already exist along Stage Road and along Stage Road we have a 100 foot natural vegetative buffer that is pre existing that we want to maintain. In addition to that screening we will be using type 3 screening as outlined in the ordinance where we adjoin residential properties and on the east side as well. The facility will be fenced to a height of 6 feet with 3 strands of barbed wire at the top with an emergency access allowed 24/7, with disconnects labeled and locations pointed out to the appropriate authorities. In the event of a failure of other conditions that would lead to the ending of generating power we will remove the system and notify Moore County. If you look at the far western edge you will see that the solar components do not come within 50 feet, we get that by adding the 20 ft wide buffer with 20x25 foot internal road. On the eastern edge we are setback in excess of 50 feet per zoning requirements. If you direct your attention to the center of the array you will see an access road and along that access road there are three 1.67 Megawatt inverters. Those inverters are located centrally to be in excess of 150 feet from the property boundary. Access to the site will be in the northeast corner from Stage Road. We also have an internal road system that will allow us to access the site. The east edge has a 3 layer buffer consisting of 7 trees and 7 shrubs, and 14 trees per 100 linear feet as detailed in Moore County Ordinances. Along Stage Road this is one of the best screening sites I have seen from Stage Road. We have 100 feet of natural pines and under growth located there that screens the property from Stage Road and really keeping it out of sight. When the time comes to decommission, we notify the County immediately. All structures and equipment will be removed within six months but really we don't foresee that becoming an issue. These solar sites as you are aware have been installed numerous times in the county and have a very long life. We expect to see minimal degradation in the first 20 years. The panels are guaranteed to maintain at least 80% output through that time which that means at the end of 20 years we will be churning out a good amount of power that degradation continues roughly lineally to increase the lifespan of the project. That I hope will satisfy your finding that we are in conformity with the conditions of the Conditional Use Permit for solar facilities. Further I would put forward that you find the use will not be detrimental or endanger the public health and safety moral or comfort for general welfare. The site is secured like I described with a 6 foot fence topped with 3 strands of barbed wire. The solar farm produces no emissions and will be constructed in accordance with applicable building, electrical codes and meet all listing requirements and the farm will provide power to Carthage and the greater Moore County area. On the finding that we will not adversely affect the use or any physical attribute of adjoining or abutting property. This facility has no off site emissions, no lighting, minimal traffic, and screening as described earlier. The use will not be detrimental to the enjoyment of nearby property. One similar use in

agricultural improvement is Greenhouses; they are both passive solar collectors like a PV system and have similar visual impact. As to the finding that the location and character of the use will be developed according to the plan as submitted and it will be in harmony with the area. As described by the staff numerous agricultural uses are on properties bordering and we intend to continue that harvesting of the sun with this project. Further it has no sound above ambient levels at the fence line, no smells, and no emissions. We have a low visual impact and are well screened from Stage Road and other properties as detailed in the site plan. The applicant asked for questions.

Board Member McLeod asked Mr. Morrison what his occupation is and the term of the project. Mr. Morrison stated he is solar developer and there is a 30 year lease in place. Board Member McLeod stated that the natural buffer is made up of pine trees, oak trees, dogwood trees and over a period of 30 year those trees are going to grow. Mr. Morrison stated that as the trees grow he expects the understory will continue to grow and provide an effective screening throughout the term of the project. Board Member McLeod continued and asked who did the real estate value survey. Mr. Morrison commented that Mr. Rich Kirkland is usually used but he could not be present at this meeting. Board Member Lambert further asked if he was consulted at all in this case. Mr. Morrison stated the he was not contacted but we would be happy to.

Board Member Lambert asked for specifics regarding sound from the inverters. Mr. Morrison stated that the inverters are specked out to have an immediate proximity output of noise at about 60 decibels, at 150 feet back that sound drops below 50 decibels with further deductions as you move away. Board Member Lambert asked how far the inverter on the far right is from the homes across the street on Stage Road. Mr. Morrison stated that each inverter would be approximately 200 feet away due to setback requirements and expects noise to minimal across the road.

Board Member Joseph Garrison asked how often scheduled maintenance is completed. Mr. Morrison stated most of the maintenance comes from maintaining the lawn which can defer from once a month during the summer to longer intervals during the winter when the grass becomes dormant.

Chairman Smith stated that the site does meet requirements as staff has stated and it was generous to leave the 100 feet of natural trees but asked if it is possible to locate the potential sparse areas under the trees. Mr. Morrison stated that he would be happy to review the screening program and possibly provide additional screening.

Board Member Garrison asked if the site insured or bonded. Mr. Morrison stated that they will provide an engineer's testimony or report that stated the salvage value far outweighs the cost of removal.

Board Member McLeod asked since the applicant has not provided evidence that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity should the Board even vote on this case. Deputy County Attorney Brenda White stated that that she doesn't see any way the Board cannot vote.

Board Member Garrison asked who has the burden of proof and Ms. White stated that this is up to the applicant.

Board Member Garrison asked Mr. Morrison that in his experience has he seen any issues where it has an effect. Mr. Morrison stated he has not seen any from his past projects.

Ms. Ensminger stated that if the Board does not feel comfortable the item can be tabled but at the time it is forwarded the information must be provided. Ms. White further stated that it could be passed based on the condition of required information.

The Board requested to here further testimony before making a decision.

Ms. Sara Webster of 1145 Union Church Road stated that she is concerned with the hazardous chemicals used in the solar panels and the value of property in the area. Ms. Webster requested additional conditions be made if the Board agrees to recommend approval. Ms. Webster submitted a packet of information for the record. Board Member McLeod asked where Ms. Webster's property was and Mr. Webster explained through the map provided. McLeod further asked about the chemicals that are used that she found during her research. Ms. Webster explained that it depends on where they come from but cadmium and silicone is ones she remembered.

Dr. Herb Eckerlin a Mechanical and Aerospace Engineering professor at NC State spoke on behalf of the Webster's. Dr. Eckerlin provided testimony regarding the herbicides that are used, declining property values, broken panels, and the specific panels that are installed versus part of an application. Board Member Garrison asked if Mr. Eckerlin had any data regarding his testimony and Mr. Eckerlin stated he did not.

Chairman Smith asked for Mr. Morrison to speak about Mr. Eckerlin testimony. Mr. Morrison stated the panels are UL Listed and will be installed in accordance with national and state electrical codes. He assured that permits will be filed for Stormwater and typically we use mowers and weed whackers to address maintenance. In the case of broken panels it will be identified and repaired and to the best of my knowledge based on the specifications from the panel manufacturer they are not classified as a hazardous waste.

The Board held further discussion regarding the use of the case.

Mr. Harry Webster of 1145 Union Church Road reviewed the map and shared concerns the regarding the stormwater runoff, screening and the topography of his land adjacent to the proposed location of the solar facility. Scott McLeod asked what specific chemicals he is concerned about, and Mr. Webster stated herbicides.

The Board held further discussion regarding the use of the case.

Board Member Joseph Garrison made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a Solar Collector

Facility on the parcel known as ParID# 00005347 including additional conditions one through three. Chairman Smith held discussion regarding the additional screening and the applicant agreed to find an acceptable screening solution. The motion failed.

Board Member David Lambert made a motion to endorse the Moore County Board of Commissioners to deny the Conditional Use Permit for the use of a Solar Collector Facility on the parcel known as ParID# 00005347 including additional conditions one through three. Board Member Lambert stated the reason as follows “ I don’t think we can affirmatively state that they meet required finding number three; The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. There has been no evidence saying that it will not, there’s been suggestions instantiated that it may not, but there has been no proof from the applicant that it will not, given there has been no appraisal.” The motion was seconded by Board Member Scott McLeod and the motion passed 4-2. **(Chairman Rich Smith and Board Member Joseph Garrison were dissenting votes).**

OTHER BOARD MATTERS

Board Member McLeod asked for clarification regarding the 4 findings of fact. Ms. White stated they are required findings but the question of the standard of proof comes into consideration. The Board held further discussion Board Member McLeod’s concerns.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger stated the Unified Development Ordinance is done and an electronic copy will be provided to you via email.

BOARD COMMENT PERIOD

No comments were made by the Board.

ADJOURNMENT

Board Member Garrison made a motion to adjourn. The motion was seconded by Board Member McLeod. The motion passed unanimously (6-0)

Respectfully submitted by,

Lydia Cleveland

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY JULY 7, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Joseph Garrison (Chair), Aaron McNeill (Vice Chairman), Scott McLeod, Bobby Hyman, David Lambert, Eddie Nobles

Board Members Absent: Gene Horne, Rich Smith, John Cook

Staff Present: Debra Ensminger, Planning Director
Doug Gill
Theresa Thompson, Senior Planner
Lydia Cleveland, Administrative and Transportation Program Manager

CALL TO ORDER

Chairman Joseph Garrison called the meeting to order.

INVOCATION

Board Member Scott McLeod offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Eddie Nobles led in the reciting of the Pledge of Allegiance

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

ELECTION OF VICE CHAIR

Board Member McLeod made a motion to elect Mr. Eddie Nobles as Vice Chairman. The motion was seconded by Board Member Bobby Hyman. The motion passed unanimously 6-0.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of June 2, 2016
- C. Consideration of Abstentions

Board Member Lambert made a motion to change a word in the June 2, 2016 minutes from “a firmly” to “affirmatively”. The motion was seconded by Board Member McLeod and the motion passed unanimously 6-0.

PUBLIC HEARING(S)

Chairman Joseph Garrison introduced the public hearing as the following.

Drafting and Design Services, Inc. – Michael Blakley is requesting a Conditional Use Permit for the use of Mining for the purpose of an open cut mining operation which will produce construction aggregates (granite material – used in asphalt, concrete, driveways, etc.) on two adjacent parcels (ParID 00009793 and 00002845) located south of NC Hwy 24/27 and to the east of Mt. Carmel Road, owned by Jean Hancock as identified in Moore County tax records. The two parcels total to approximately 308.5 acres. The proposed access easement to NC Hwy 24/27 includes three adjacent parcels (ParID 00001297, 20070773, and 20070771) owned by Ruby Brown Trustee.

Chairman Garrison opened the floor to Mr. Doug Gill as the Moore County legal representation. Mr. Gill asked each board member to state what knowledge they have about this case before the board convenes. This includes conversations with interested persons so that all parties will know what factors each member has in their mind as the matter is considered.

Chairman Garrison stated that he had no knowledge of this before he received the packet. All his knowledge is based on the packet and documentation from planning staff. Mr. Garrison stated he had two calls from individuals and encouraged them to show up to the meeting.

Board Member McLeod stated the only information he received was from the staff report and research that he did through the Department of Environmental Quality to learn, and he received 3-4 calls.

Board Member Nobles stated that he had the same information from planning staff, and one phone call from someone against the proposal and encouraged them to come to the meeting.

Board Member Bobby Hyman stated he gained information from the packet and traveling through the area.

Board Member Lambert stated that he one voice message and one conversation. He is also a member of a Facebook page where this was talked about and he emailed the

moderator to explain that the outcome must be based on testimony presented and not on opinion.

Board Member Aaron McNeill stated he had multiple conversations and has surveyed near this tract; he further stated that he encouraged each one he spoke with to come to the meeting and sign up to speak.

Senior Planner Theresa Thompson presented the following as part of her presentation.

This request is to locate a mining facility for the purpose of an open cut mining operation which will produce construction aggregates (such as granite material – used in asphalt, concrete, driveways, etc.) on two adjacent parcels, totaling to approximately 308.5 acres, located south of NC Hwy 24/27 and to the east of Mt. Carmel Road. The property is located approximately 8 miles west of Carthage and approximately 2 ½ miles southeast of Robbins. The property is currently undeveloped. Adjacent land uses includes approximately 7 single family homes and approximately 15 undeveloped properties, as illustrated on the Land Use Map in your packets. The site plan meets the Unified Development Ordinance's screening requirements by providing a minimum 50 foot buffer along the entire boundary of the property and the applicant will create an earthen berm a minimum of 6 feet in height along the mining pit, the plant site, and along the northern boundary of the property as illustrated in the site specific development plan. The second site plan included in your packets is the reclamation plan as included as part of the mine permit application to the NC Department of Environmental and Natural Resources. The applicant can speak to the specifics of the reclamation plan which illustrates the ultimate pit being converted to a lake. The use of Mining is a conditional use within the Rural Agricultural zoning district. There are two key factors for approving or denying a conditional use permit. The first factor is if the applicant meets the Unified Development Ordinance standards including the specific use standards. The proposed site plan meets all Unified Development Ordinance requirements. The applicant has agreed that all specific use standards will be met as specified in the Unified Development Ordinance which will be inspected by county staff before a Certificate of Occupancy is issued. In addition, to the minimum specific use standards the applicant is imposing several conditions such as hours of operation for mining activities, as listed in the staff report. The second basis for approving or denying a conditional use permit is if the four findings of facts are met. Any recommendation of denial would need to include which finding is not met and how it is not met. The four findings are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Moore County Land Use Plan.

Once the applicant show the ordinance standards and findings of facts to be met, the burden shifts to those who oppose the permit issuance to present substantial and material evidence that the standards are not met. Where there is substantial evidence on both sides, the board makes its determination as to which is correct. When determining findings of fact, the decision must not be based solely on hearsay evidence. The applicant is requesting a 2 year vested rights approval which requires the applicant to receive a zoning permit for mining activities within 2 years from the date of the conditional use permit approval or the permit becomes null and void. Staff recommends the Planning Board make a recommendation to the Moore County Board of Commissioners to approve or deny the conditional use permit for the use of mining, including the additional conditions, as agreed upon by the applicant and listed in the staff report. Please let me know if you have any questions.

The applicant Michael Blakely of 346 Woolard Road, Sanford NC 27330 stated the following as part of his presentation.

Mr. Blakely stated that the proposed project is an open pit mining operation. He stated that he reached out to the community and held a neighborhood meeting on June 28th in the Town of Robbins. The meeting was held informally to discuss the project with the community and answer any questions. Mr. Blakely went through the plans to give everyone an idea of what mining is and the day to day operations that will take place on the 308 acre site. Mr. Blakely stated that of the 308 acres only 61 will be disturbed and access to the site will be from 24/27 as recommended by NCDOT. An easement has been acquired from Ms. Ruby Brown to access the site, which will be used by the offsite haul trucks, 18 wheelers, and tandem trucks. A contract crusher will be used initially and 2-3 months worth of crushing rock will last 2-3 years unless demand changes. Buffer requirement are exceeded through the self imposed conditions including a berm on the north side that will be 10 feet high and 80 feet wide. Board Member McLeod asked for clarification on the size of this berm and Mr. Blakely stated it is indeed that big and will look like a triangle. Board Member McNeill asked for clarification where the fence will be placed and Mr. Blakely stated it will be at the bottom of the berm. Mr. Blakely continued and explained the permits that are required by NCDEQ, the reclamation plan through bonding, stated the life of the permit is 10 years, and reviewed the self imposed conditions. Board Member McLeod asked if a sprinkler system will be installed or will water trucks be utilized. Mr. Blakely stated that until a more permanent operation is put in place water trucks will be used. Board Member McLeod asked how long the air quality permit is good for and if this permit or the ones issued by NCDEQ are found to be in violation can it be revoked. Mr. Blakely stated the air quality permit is renewed every year and yes they each can be revoked and the operation will be fined. Board Member McLeod asked how often mining operations are inspected and Mr. Blakely explained that NCDEQ inspects them yearly and MSHA inspects them bi-Monthly. Board Member Nobles asked if more water will be needed if the operation expands. Mr. Blakely introduced Rugg Patterson to answer that question. Mr. Patterson explained that wells will be needed if rainwater is not sufficient. Board Member McNeill asked if it would be necessary to pull from immediate streams and Mr. Patterson explained that this would not occur because this would not be enough water. Board Member Lambert asked if the

blasting will need to be increased as demand increases. Mr. Blakely stated the project is progressive based on demand and will not be completed in phases. Mr. Blakely added that explosives would not be kept on site. Board Member Nobles asked if the 25.6 acres of disturbed land is based on demand or the material at the site. Mr. Blakely stated this is based on the amount of material. Board Member Nobles continued and asked if there was any scenario where this would get bigger and Mr. Blakely responded "No". Board Member Nobles asked if the 25 acres includes the depth in the ground that will be disturbed. Mr. Blakely stated "Yes". Board Member Hyman asked how accurate is the research in regards to depth and the amount of rock produced. Mr. Blakely stated that the only place on the property a pit of this size can be placed is where it is displayed on the site plan due to the setbacks. Board Member Lambert asked the applicant to breakdown the traffic patterns. Mr. Blakely stated that there will be a maximum of 50 trucks per day with an anticipation of only 10-15 per day and there will possibly be a deceleration lane and turn lane on 24/27. Board Member McLeod asked if NCDOT will determine if a deceleration lane or turn lane will be required. Mr. Blakely stated yes per a driveway permit. Board Member McNeill asked if there has been any discussion with NCDOT and Mr. Blakely stated yes and we were waiting to see if any additional stipulations from the Planning Board and Board of Commissioners Meeting would be needed prior to the submittal of the driveway permit. Board Member Lambert asked what noise effects are there for blasting versus non blasting mining operations. Mr. Blakely stated that generally the noise, but as part of the self imposed conditions we are stating operations cannot be any louder than 65 decibels and other noises would include the equipment running. Board Member Hyman asked if livestock have any issues with this type of operation. Mr. Blakely stated that livestock are not affected by it.

Mr. Blakely reviewed the findings of fact included in the packet.

Board Member McLeod asked Mr. Gill for the legal definition of a public necessity. Mr. Gill responded that he did not know the answer. Board Member McLeod stated that he would really like to know the answer to that because he does not see this operation as a public necessity. Chairman Garrison clarified that this does not mean that roads would not be built just that material would come from another location. Mr. Blakely stated that the cost of building would be cheaper. Board Member McLeod stated that he sees this as an economic advantage and not a public necessity.

Mr. Blakely introduced Mr. Brandon Wills the NC certified general appraiser on this project. Mr. Wills stated that he utilized research rings to determine the effect of property values depending on how close they are to a mining operation. Mr. Wills explained that he utilized the change in distance versus the change in time because if property values changed there would be more of an effect in regards to distance. Mr. Wills concluded that this project would not have an adverse effect on property values.

Board Members continued with questions for Ms. Thompson. Board Member Lambert asked how we make sure specific things are enforced for each project. Ms. Thompson explained this is done through specific use standards. Board Member Lambert asked if the Unified Development Ordinance has a distinction between a gravel pit and rock

quarry. Ms. Thompson explained that no they are considered the same and each is reviewed by the Planning Board. Board Member Lambert asked how many active quarries are there currently in Moore County. Ms. Thompson stated there are two we have files on.

Board Member McLeod asked how a project like this could increase land value as stated in the findings of fact from the applicant. Mr. Blakely stated that in some situations the same type of rock can be found on adjoining properties and a developer is then interested in the property, increasing its value.

Finally Bill Light of Apex NC spoke on behalf of the applicant and explained that wells will not be affected near the site because the use would be localized.

Ms. Rebecca Myrick of 11821 Highway 24/27 presented a petition that represents 150 homes within a mile radius of the project. Ms. Myrick asked for each person present that lives within a miles of the site to raise their hands.

Ms. Deborah Garner stated that she is concerned about the value and possible well issues. Ms. Garner stated that about three to four homes around her property have well issues. and that she also concerned about the quality of air and that the appraiser could not come up with one example.

Mr. John Baucom of 825 Mt. Carmel Road stated that the overburden area on the proposed site plan states that this is an unoccupied residence, but it is actually 815 Mt. Carmel Road and the building is 819 Mt. Carmel Road that currently has renters. Mr. Baucom stated that he is concerned that it will affect the vegetation for his cattle, and his well that will be constructed due to grant that was received from Moore County.

Ms. Codi Baucom of 825 Mt. Carmel Road stated that she is the wife of Mr. John Baucom and the grant that was received was from Moore County. Ms. Baucom is concerned about the land in the future for her son.

Mr. JD Lucas of 911 Mt. Carmel Road thanked the board for letting him speak tonight and stated that he concerned about the wells due to the altitude. Mr. Lucas stated this project is in direct conflict with 2013 Moore County Land Use Plan and goal one. Mr. Lucas further stated that he wants to know what is going to be done about the pit when the operation is done.

Mr. Lester Smith of 1041 Mt. Carmel Road stated that he concerned about the water.

Mr. Rodney Pickler of Plank Road stated he has the same concerns that everyone has already stated. Mr. Pickler further stated that he does not like the comparison of land to townhomes and condos.

Mr. Clark Trivett of 332 Seven Lakes West stated he lives 10 miles from the proposed site but still has the concern of noise, pollution, wildlife endangerment, and road damage.

Mr. Trivett provided examples of locations where a request similar to the one presented have been denied.

Mr. David Smith stated he lives in Lee County near a quarry and you can hear blasts and this project should given more consideration.

Mr. Vernon Myrick of 11821 Highway 24/27 thanked the board for letting him speak tonight and stated he was concerned about the dust and noise.

Mr. Scott Myrick of Angier, NC stated he is concerned about the wells and the testimony that Mr. Blakely presented.

Mr. Betty Hoplar stated that she is concerned about these types of projects coming to Moore County.

Mr. Stanley Cockman stated that he concerned about wells and asked if the wells go dry, will the mining business till be viable.

Mr. Randy Hussey of 204 Mt. Carmel Road stated he is concerned about the quality of life.

Mr. Carol Brown McDaniel of 391 Marley Road stated that she was concerned about the entry to the property and that it will pass through residential property as well as the lack of information provided by the applicant.

Mr. McLeod made a motion to take a five minute recess; the motion was seconded by Mr. McNeill. The motion passed unanimously 6-0.

Mr. James Cagle of 447 Mt. Carmel Road stated he is concerned about the water table level.

Mr. Gary Maness of 520 Mt. Carmel Road stated that he is concerned about the noise, dust, and his windows at his home rattling.

Mr. Mitchell Ritter of 11830 Highway 24/27 stated he is concerned about the dust.

Mr. Giff Fisher stated the bought property in this area to retire but is now considered about the quality of life that may be compromised.

Mr. Ricky Wallace of 813 Mt. Carmel Road stated that he has 100 acres that adjoin this property. Mr. Wallace explained issues he has had with wells and is concerned about his building falling down.

Aaron stated he will make a motion by wanted to make a few comments. First he wanted to mention he has concerns regarding the health and safety of the people and the introduction of more traffic on 24/27 would be an issue. Second he stated that the local

character of the county is the people and because so many people showed up he values their opinion.

David Lambert stated the will vote to deny this request because there is a presumption that this particular use may be appropriate for this zoning district, but believes the scale of this particular project exceeds the bounds of harmony that the presumption would allow and does not agree that this project meets finding 3.9.804.

Aaron McNeill made a motion to endorse the Moore County Board of Commissioners to deny the Conditional Use Permit for the use of Mining for the purpose of an open cut mining operation which will produce construction aggregates (granite material – used in asphalt, concrete, driveways, etc.) on five adjacent parcels (ParID 00009793, 00002845, 00001297, 20070773, and 20070771) including the Application Review Comments and Recommendations as listed in the staff report. The Motion was seconded by Eddie Nobles and the motion passed unanimously 6-0.

OTHER BOARD MATTERS

The board shared concerns regarding having information prior to the meeting.

PLANNING DEPARTMENT REPORTS

The discussion of the Unified Development Ordinance was tabled to the next meeting.

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BOARD COMMENT PERIOD

Chairman Garrison thanked the Planning Staff.

ADJOURNMENT

Board Member Garrison made a motion to adjourn. The motion was seconded by Board Member McLeod. The motion passed unanimously (6-0)

Respectfully submitted by,

Lydia Cleveland

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Director

DATE: July 8, 2016

SUBJECT: Conditional Use Permit Request: Mining
("Williams Sand and Clay, LLC" – NC Hwy 211)

PRESENTER: Theresa Thompson

REQUEST

Williams Sand and Clay, LLC is requesting a Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of approximately 25 acres per phase) of an overall approximate 660 acre parcel (ParID 00013401) located north of and adjacent to NC Hwy 211 and east of and adjacent to Samarcand Rd, owned by Arthur R & Sons Williams, as identified in Moore County tax records.

This case was properly advertised, a public hearing sign was posted on the property, and all adjacent property owners were notified.

BACKGROUND

- Current land use – The property is undeveloped.
- Adjacent land uses – Includes undeveloped property, single family homes, the Inn at Eagle Springs (closed), and a solar collector facility.

REQUIRED FINDINGS

In recommending the Conditional Use Permit the following findings must be met:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Moore County Land Use Plan.

APPLICATION REVIEW COMMENTS & RECOMMENDATIONS

The applicant is seeking a five (5) year vested rights approval. The proposed site plan meets all Unified Development Ordinance requirements. In addition to the minimum requirements, the applicant recommends the following additional conditions:

1. Williams Sand and Clay will abide by the Moore County Specific Use Standards Article 9.4.5 for Mining and Quarrying as shown on the following page in Figure 1.1.
2. Business hours of operation will be: 6:00 AM – 5:30 PM during normal workweeks and occasionally on Saturday (no Sunday work). Holidays will be observed as well.
3. A NCDOT entrance permit will be obtained within the next 4-6 weeks.
4. A physical barrier to traffic and illicit entry onto the site will be constructed along NC HWY 211. Once digging activities commence, any overburden will be used to construct and maintain berms along the NC HWY 211 entrance to a minimum height of six feet.
5. Applicant will conduct sediment and erosion control measures throughout the life of the mine and post closure, to maintain a clean driveway and entrance area onto NC HWY 211.
6. Per the NC Department of Environmental Quality, high fencing is not required since there are no adjacent residential dwellings. However, Williams Sand and Clay will maintain silt fencing, as well as ditches, berms, and gates as necessary to control access to the site.
7. No fuel, fuel oil, or other hazardous materials will be used or stored on-site.
8. The total initial phase will impact (excavate) approximately 22 acres. Subsequent planned phases are shown on the Site Map.
9. No permanent structures will be erected on-site.
10. At minimum a vegetated seventy five foot buffer will be maintained along NC HWY 211.
11. Staff recommends the additional condition, as agreed upon by the applicant, that should the Zoning Administrator, Building Inspector, Environmental Health, the Fire Marshal, or NCDOT identify minor changes staff shall be authorized to accept such minor modifications to site plan as necessary.

RECOMMENDATION

Staff recommends the Moore County Planning Board make the following motion:

Motion: Make a motion to endorse the Moore County Board of Commissioners to approve/deny the Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of 25 acres) of an overall approximate 660 acre parcel (ParID 00013401) located north of NC Hwy 211 and east of Samarcand Rd, owned by Arthur R & Sons Williams as identified in Moore County tax records, including the Application Review Comments and Recommendations as listed in the staff report.

ATTACHMENTS

- Photos of Property
- Land Use Map
- Conditional Use Permit Application
- Submitted Site Plan

View of property from NC Hwy 211. A 75 foot wide front buffer will remain per the site plan.



View of property and Clement Road, directly across NC Hwy 211.



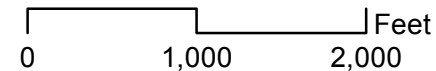
Westbound view of NC Hwy 211 from property.



Eastbound view of NC Hwy 211 from property.



LAND USE MAP



Samarcand Solar
Collector Facility

Undeveloped

Single family
home

Single family
home

Single family
home

Inn (closed)

Single family
home

NC 211

Single family
home

Single family
homes

BIG OAK CHURCH

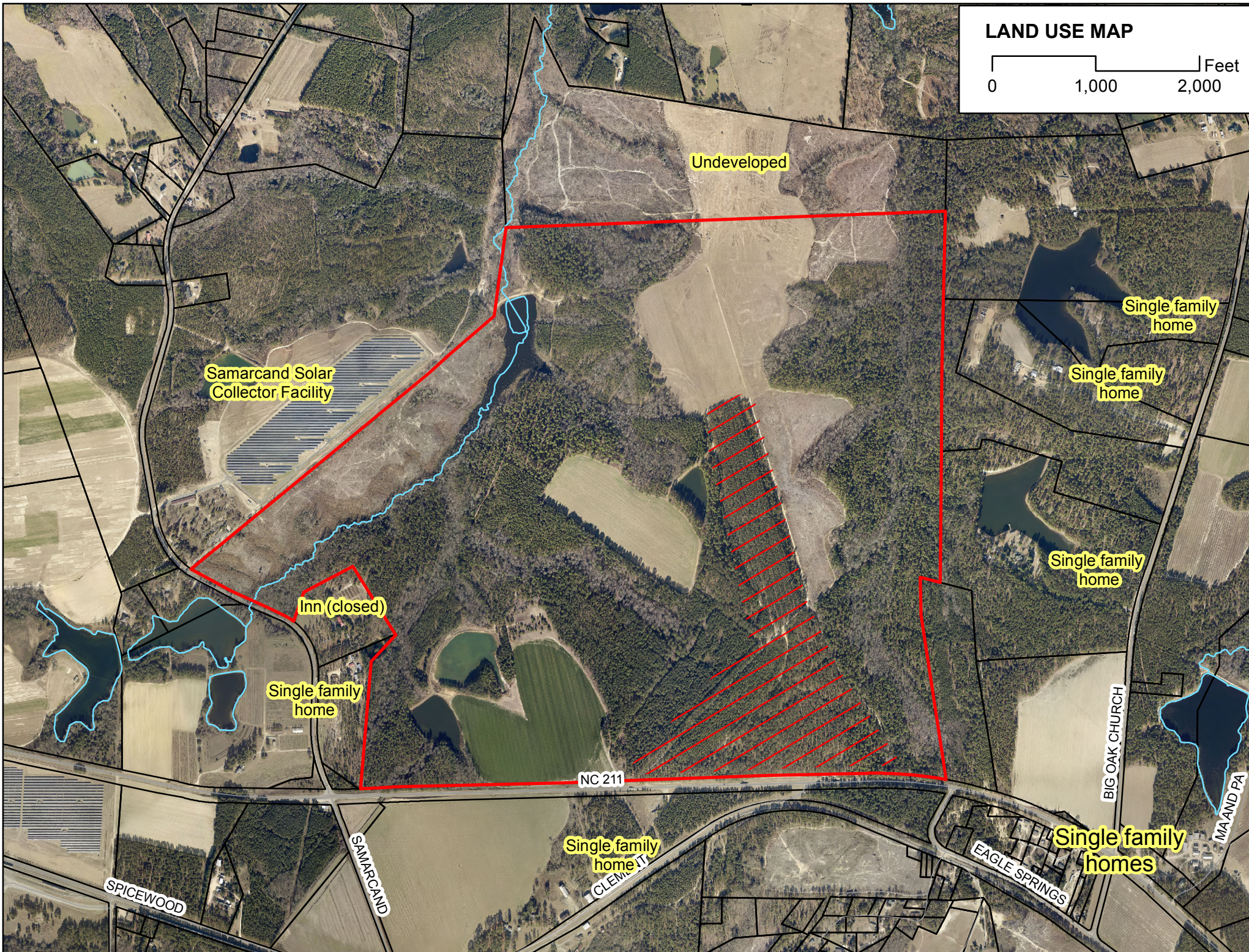
MA AND PA

EAGLE SPRINGS

SPICEWOOD

SAMARCAND

CLEMENS



App 14775

LRK# 00013401


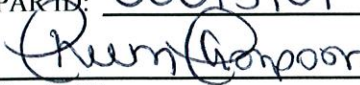


PLANNING & COMMUNITY DEVELOPMENT



P.O. Box 905
 1048 Carriage Oaks Drive
 Carthage, NC 28327
 Planning: 910.947.5010
 Central Permitting: 910.947.2221
 Fax: 910.947.1303
 www.moorecountync.gov

Conditional Use Permit Application

Application Date: 7-5-2016			
Location/Address of Property: 35.307299 LAT, 79.677467 LONG / 1029 NC 211, Biscoe, NC 27209			
Applicant: Williams Sand and Clay, LLC			Phone: 910-695-6475
Applicant Address: 1515 NC HWY 211	City: Eagle Springs	St: NC	Zip: 27242
Owner: William Arthur Williams			Phone: 910-695-6475
Owner Address: 1515 NC HWY 211	City: Eagle Springs	St: NC	Zip: 27242
Current Zoning District: RA-USB	Proposed Use: Sand Mine and Agricultural		
Comments: We will be utilizing a portion of this property/parcel for a sand mine. The remaining property will continue use as agricultural/sivicultural activities.			
Application Submittal The applicant must submit a complete application packet on or before the submittal deadline. This includes: <input checked="" type="checkbox"/> Completed Moore County Conditional Use Permit Application. <input checked="" type="checkbox"/> Application Fee (\$175). <input checked="" type="checkbox"/> Postage sufficient to notify all adjacent landowners FOR TWO MAILINGS . (One for Planning Board meeting, and one for Board of Commissioners meeting.) The rate for postage FOR EACH CERTIFIED MAIL LETTER is \$6.49. This includes \$3.30 (certified mail) plus \$2.70 (return receipt) plus \$0.49 (first class stamp). <input checked="" type="checkbox"/> A detailed site plan. (See page two of this packet for list of items to include.)			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
 Applicant/Owner Signature		7/5/2016 Date	
Applicant/Owner Signature		Date	
Office Use Only: PAR ID: 00013401  Received By			
		7/6/16 Date	

Williams Sand and Clay, LLC

1515 NC Hwy 211
Eagle Springs, 27242
Phone: (910) 695-6475
Alternate: (910) 673-3245

July 5, 2016

Planning Board and County Staff
County of Moore Government
1 Courthouse Square
Carthage, NC 28327

RE: Williams Sand and Clay, LLC Sand Mine Application
Eagle Springs (HWY 211)

Moore County Board and Staff,

Concerning our attached application for a conditional use permit we at Williams Sand and Clay, LLC agree to abstain to the following additional conditions to ensure we are good stewards of the environment, as well as operating a safe and clean mining site:

- Williams Sand and Clay will abide by the Moore County Specific Use Standards Article 9.4.5 for Mining and Quarrying as shown on the following page in Figure 1.1.
- Our business hours of operation will be: 6:00 AM – 5:30 PM during normal workweeks and occasionally on Saturday (no Sunday work). Holidays will be observed as well.
- A NCDOT entrance permit will be obtained within the next 4-6 weeks.
- A physical barrier to traffic and illicit entry onto the site will be constructed along NC HWY 211. Once digging activities commence, any overburden will be used to construct and maintain berms along the NC HWY 211 entrance to a minimum height of six feet.
- We will conduct sediment and erosion control measures throughout the life of the mine and post closure, to maintain a clean driveway and entrance area onto NC HWY 211.
- Per the NC Department of Environmental Quality, high fencing is not required since there are no adjacent residential dwellings. However, Williams Sand and Clay will maintain silt fencing, as well as ditches, berms, and gates as necessary to control access to the site.
- No fuel, fuel oil, or other hazardous materials will be used or stored on-site.
- The total initial phase will impact (excavate) approximately 22 acres. Subsequent planned phases are shown on the Site Map.
- No permanent structures will be erected on-site.
- At minimum a vegetated seventy five foot buffer will be maintained along NC HWY 211.

9.4.5 Mining and Quarrying

- 9.4.501 A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine.
- 9.4.502 Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet.
- 9.4.503 Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width.
- 9.4.504 An area of land, which shall not be less than fifty (50) feet in width (unless a lesser width is approved by the Planning Board) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs or plants that create a visual screen.
- 9.4.505 Trees and plants must be native to the area and trees shall not be less than six (6) feet in height within six (6) years.
- 9.4.506 If an earthen berm(s) is to be used within the buffer for visual screening they shall be planted with vegetation and shall not be less than six (6) feet in height at the crown and with slopes sufficient to minimize erosion.
- 9.4.507 No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina.
- 9.4.508 In the case of denial because all the requirements of this section were not met, the Application may be resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within one hundred eighty (180) days of the notice of rejection or denial.

Figure 1.1: Specific Use Standard for Mining and Quarrying

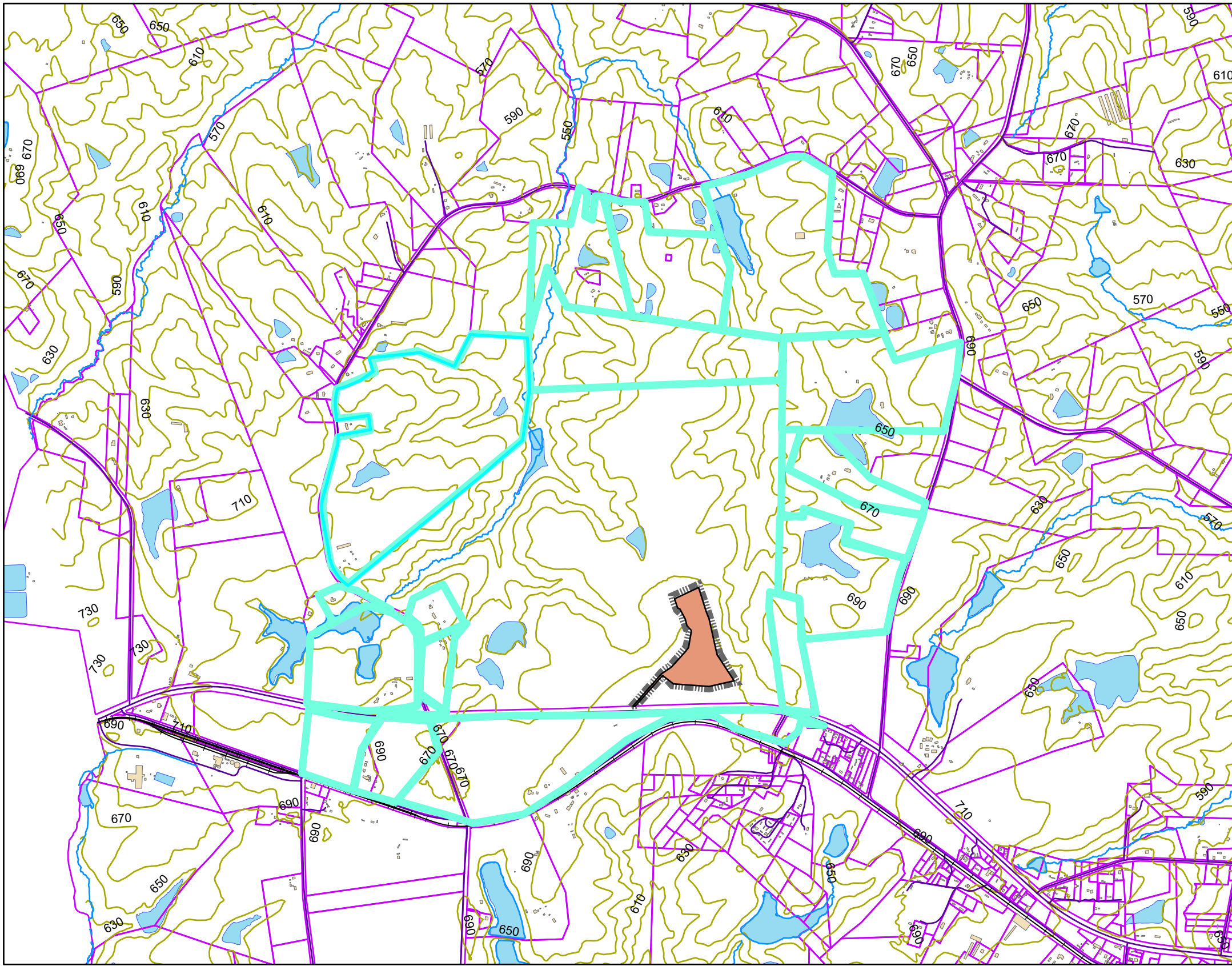
Sincerely,



Arthur Williams

President

Williams Sand and Clay, LLC



Area Overview
Sand Mine Application
Moore County North Carolina
Township: 01
Deed Book/ Page: 241 / 462
Parcel ID: 00013401

Pending State Mining Permit

Legend

- Permanent Buffer - 75' Setback

Phase II Overall Limits

Berm at a minimum of 6' ht

Phase I Rough Buffer Outline w/Silt Fencing

Proposed Sand Mine with Haul Road

Proposed Screening/Washing Plant

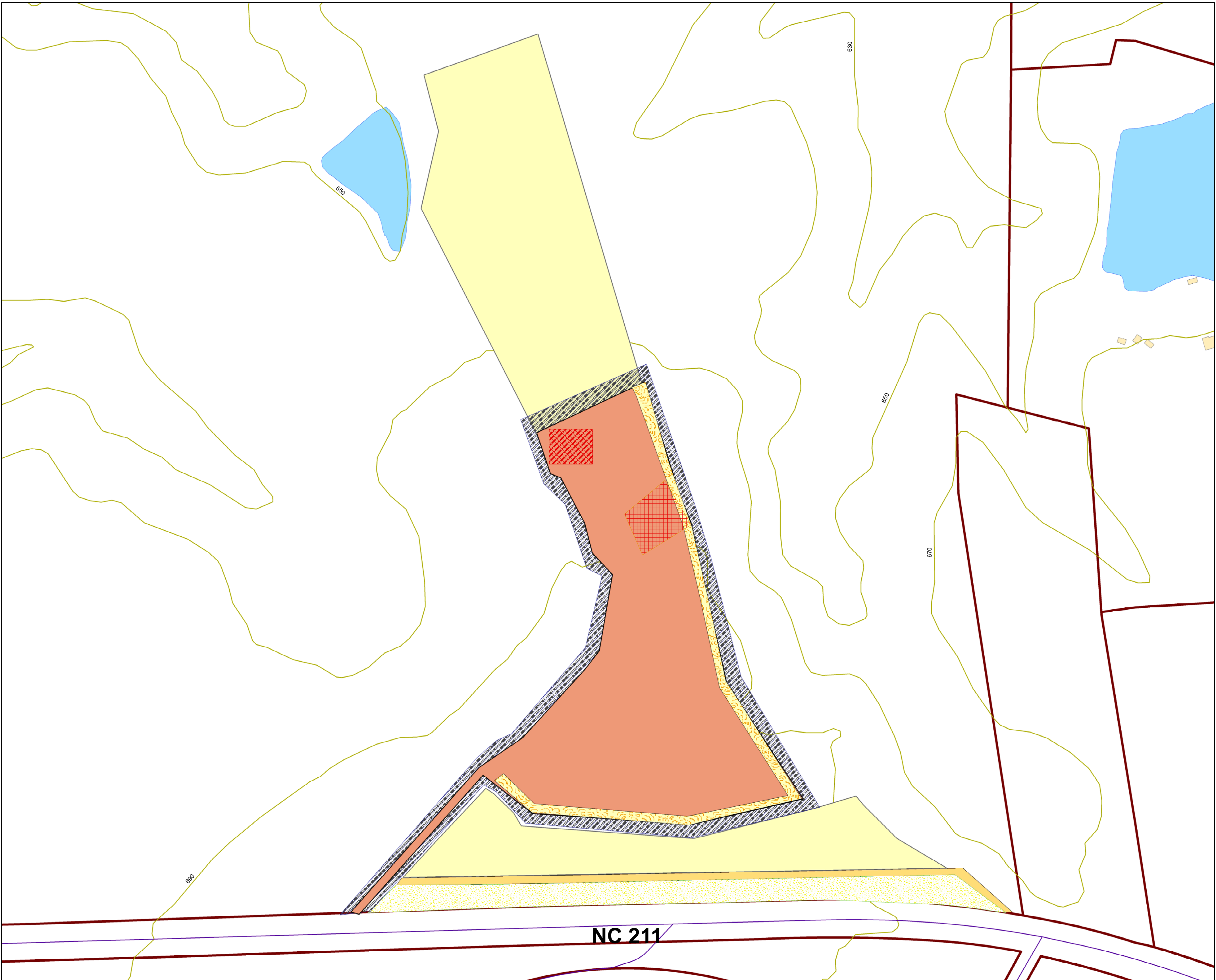
Proposed Washing/Settling Pond

Railroads

Streams
- Streets

Tax Parcels

Lakes & Rivers



Layout Map

Name of Mine: Williams Sand and Clay, LLC
Address: 1515 NC Hwy 211, Eagle Springs, NC, 27242

Phase I: Total Disturbed Acreage 25.0 ac
Phase II: Total Disturbed Acreage 25.0 ac

Date: 29 June 2016

Drawn By: Henry Haas, E.P.
Hunt Environmental Associates

Sheet No.
HEA-001

Checked by: Michael C. Hunt, P.G.
Hunt Environmental Associates

Note: We will meet the specific use standards outline in 9.4.5